

Union Calendar No. 385

105TH CONGRESS
2^D Session

H. R. 3532

[Report No. 105-680]

A BILL

To authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1999, and for other purposes.

AUGUST 6, 1998

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1998

Mr. DAN SCHAEFER of Colorado introduced the following bill; which was referred to the Committee on Commerce

AUGUST 6, 1998

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[Omit the part struck through and insert the part printed in *italie*]

A BILL

To authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1999, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nuclear Regulatory
5 Commission Authorization Act for Fiscal Year 1999”.

1 **TITLE I—AUTHORIZATION**

2 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
3 **CAL YEAR 1999.**

4 (a) COMMISSION.—There are authorized to be appro-
5 priated to the Nuclear Regulatory Commission, in accord-
6 ance with the provisions of section 261 of the Atomic En-
7 ergy Act of 1954 (42 U.S.C. 2017) and section 305 of
8 the Energy Reorganization Act of 1974 (42 U.S.C. 5875),
9 \$483,340,000 for fiscal year 1999 to remain available
10 until expended, of which \$18,500,000 is authorized to be
11 appropriated from the Nuclear Waste Fund.

12 (b) OFFICE OF INSPECTOR GENERAL.—There are
13 authorized to be appropriated to the Nuclear Regulatory
14 Commission's Office of Inspector General, in accordance
15 with the provisions of section 1105(a)(25) of title 31,
16 United States Code, \$5,300,000 for fiscal year 1999 to
17 remain available until expended.

18 **SEC. 102. ALLOCATION OF AMOUNTS AUTHORIZED.**

19 (a) IN GENERAL.—The amounts authorized to be ap-
20 propriated under section 101(a) for fiscal year 1999 shall
21 be allocated as follows:

22 (1) NUCLEAR REACTOR SAFETY.—
23 \$211,422,000 for the Nuclear Reactor Safety Pro-
24 gram.

1 (2) NUCLEAR MATERIALS SAFETY.—
2 \$48,869,000 for the Nuclear Materials Safety Pro-
3 gram.

4 (3) NUCLEAR WASTE SAFETY.—\$29,147,000
5 for the Nuclear Waste Safety Program.

6 (4) COMMON DEFENSE AND SECURITY AND
7 INTERNATIONAL INVOLVEMENT.—\$9,732,000 for
8 the Common Defense and Security and International
9 Activities or Affairs Program.

10 (5) PROTECTING THE ENVIRONMENT.—
11 \$14,901,000 for the Protecting the Environment
12 Program.

13 (6) MANAGEMENT AND SUPPORT.—
14 \$169,269,000 for the Management and Support
15 Program.

16 (b) LIMITATIONS.—The Nuclear Regulatory Commis-
17 sion may use not more than 1 percent of the amounts allo-
18 cated under subsection (a) to exercise its authority under
19 section 31a. of the Atomic Energy Act of 1954 (42 U.S.C.
20 2051(a)) to make grants and enter into cooperative agree-
21 ments with organizations such as universities, State and
22 local governments, and not-for-profit institutions. Grants
23 made by the Commission shall be made in accordance with
24 chapter 63 of title 31, United States Code, and other ap-
25 plicable law.

1 (c) REALLOCATION.—

2 (1) IN GENERAL.—Except as provided in para-
3 graphs (2) and (3), any amount allocated for a fiscal
4 year pursuant to any paragraph of subsection (a) for
5 purposes of the program referred to in the para-
6 graph may be reallocated by the Nuclear Regulatory
7 Commission for use in a program referred to in any
8 other paragraph of subsection (a).

9 (2) LIMITATION.—The amount available from
10 appropriations for use in any program specified in
11 any paragraph of subsection (a) may not, as a result
12 of reallocations made under paragraph (1), be in-
13 creased or reduced by more than \$1,000,000, unless
14 the Committee on Commerce of the House of Rep-
15 resentatives and the Committee on Environment and
16 Public Works of the Senate are notified in advance
17 by the Commission. The notification shall contain a
18 full and complete statement of the reallocation to be
19 made and the facts and circumstances relied upon in
20 support of the reallocation.

21 (3) USE OF CERTAIN FUNDS.—Funds author-
22 ized to be appropriated from the Nuclear Waste
23 Fund may be used only for the high-level nuclear
24 waste activities of the Commission and may not be
25 reallocated for other Commission activities.

1 **SEC. 103. RETENTION OF FUNDS.**

2 Notwithstanding the provisions of section 3302 of
3 title 31, United States Code, money received by the Nu-
4 clear Regulatory Commission for the cooperative nuclear
5 safety research program, services rendered to State gov-
6 ernments, foreign governments and international organi-
7 zations, and the material and information access author-
8 ization programs (including criminal history checks under
9 section 149 of the Atomic Energy Act of 1954 (42 U.S.C.
10 2169)) may be retained and used for salaries and expenses
11 associated with those activities, and shall remain available
12 until expended.

13 **SEC. 104. TRANSFER OF CERTAIN FUNDS.**

14 From amounts authorized to be appropriated to the
15 Nuclear Regulatory Commission under section 101(a),
16 other than funds appropriated from the Nuclear Waste
17 Fund, the Commission may transfer amounts to its Office
18 of Inspector General, except that the total amount so
19 transferred during any fiscal year may not exceed 5 per-
20 cent of the amount authorized under section 101(b) for
21 the fiscal year.

22 **SEC. 105. LIMITATION.**

23 Notwithstanding any other provision of this Act, no
24 authority to make payments under this Act shall be effec-
25 tive except to such extent or in such amounts as are pro-
26 vided in advance in appropriation Acts.

1 **SEC. 106. LICENSE FEE EXEMPTION.**

2 Funds authorized to be appropriated by this Act for
 3 regulatory reviews and other assistance provided by the
 4 Nuclear Regulatory Commission to the Department of En-
 5 ergy and other Federal agencies for activities that do not
 6 derive their funding from the Nuclear Waste Fund shall
 7 be excluded from the calculation of the aggregate amount
 8 of charges described in section 6101(c)(2) of the Omnibus
 9 Budget Reconciliation Act of 1990 (42 U.S.C.
 10 2214(c)(2)).

11 **SEC. 107. NRC USER FEES AND ANNUAL CHARGES.**

12 Section 6101(a)(3) of the Omnibus Budget Reconcili-
 13 ation Act of 1990 (42 U.S.C. 2214(a)(3)) is amended by
 14 striking “September 30, 1998” and inserting “September
 15 30, 2003”.

16 **TITLE II—OTHER PROVISIONS**

17 **SEC. 201. OFFICE LOCATION.**

18 Section 23 of the Atomic Energy Act of 1954 (42
 19 U.S.C. 2033) is amended by striking “; however, the Com-
 20 mission shall maintain an office for the service of process
 21 and papers within the District of Columbia”.

22 **SEC. 202. PERIOD OF A COMBINED LICENSE.**

23 Paragraph c. of section 103 of the Atomic Energy
 24 Act of 1954 (42 U.S.C. 2133(c)) is amended by adding
 25 at the end the following: “In the case of a combined con-
 26 struction and operating license issued under section 185

1 b., the initial duration of the license may not exceed 40
2 years from the date on which the Commission finds, prior
3 to operation of the facility, that the acceptance criteria
4 required by section 185b. have been met.”

5 **SEC. 203. GIFT ACCEPTANCE AUTHORITY.**

6 Section 161g. of the Atomic Energy Act of 1954 (42
7 U.S.C. 2201(g)) is amended—

8 (1) by inserting “(1)” after “g.”, and

9 (2) by adding the following paragraph after
10 paragraph (1):

11 “(2) accept, hold, utilize, sell, and administer
12 gifts, bequests, or donations of real and personal
13 property for the purpose of aiding or facilitating the
14 work of the Nuclear Regulatory Commission. There
15 is established in the Treasury a fund for use in ac-
16 cordance with the provisions of this paragraph. Any
17 gift of money accepted pursuant to the authority
18 granted in this paragraph, or the net proceeds from
19 the sale of any property so accepted, shall be depos-
20 ited in the fund. Such funds shall be held in trust
21 by the Secretary of the Treasury and shall be dis-
22 bursed upon certification by the Chairman of the
23 Nuclear Regulatory Commission. Property accepted
24 pursuant to this paragraph, and the proceeds there-
25 of, shall be used as nearly as possible in accordance

1 with the terms of the gift, bequest, or donation if
 2 such terms are not inconsistent with this paragraph
 3 or any other applicable law. The Commission shall
 4 establish written criteria for determining whether to
 5 accept bequests, gifts, or donations of money or
 6 property pursuant to this paragraph. Such criteria
 7 shall take into consideration whether the acceptance
 8 of the gift, bequest, or donation would compromise
 9 the integrity of, or the appearance of the integrity
 10 of, the Nuclear Regulatory Commission or any offi-
 11 cer or employee of the Commission. For purposes of
 12 Federal income, estate, and gift taxes, property ac-
 13 cepted under this paragraph shall be considered as
 14 a gift, bequest, or devise to the United States.”.
 15 *Commission;”*.

16 **SEC. 204. CARRYING OF FIREARMS BY LICENSEE EMPLOY-**
 17 **EES.**

18 Section 161k. of the Atomic Energy Act of 1954 (42
 19 U.S.C. 2201(k)) is amended to read as follows:

20 “k. authorize such of its members, officers, and
 21 employees as it deems necessary in the interest of
 22 the common defense and security to carry firearms
 23 while in the discharge of their official duties. The
 24 Commission may also authorize—

1 “(1) such of those employees of its con-
2 tractors and subcontractors (at any tier) en-
3 gaged in the protection of property under the
4 jurisdiction of the United States located at fa-
5 cilities owned by or contracted to the United
6 States or being transported to or from such fa-
7 cilities as it deems necessary in the interests of
8 the common defense and security; and

9 “(2) such of those employees of persons li-
10 censed or certified by the Commission (includ-
11 ing employees of contractors of licensees or cer-
12 tificate holders) engaged in the protection of
13 property of significance to the common defense
14 and security located at facilities owned or oper-
15 ated by a Commission licensee or certificate
16 holder or being transported to or from such fa-
17 cilities;

18 to carry firearms while in the discharge of their offi-
19 cial duties. A person authorized to carry firearms
20 under this subsection may, while in the performance
21 of, and in connection with, official duties make ar-
22 rests without warrant for any offense against the
23 United States committed in that person’s presence
24 or for any felony cognizable under the laws of the
25 United States if that person has reasonable grounds

1 to believe that the individual to be arrested has com-
2 mitted or is committing such felony. An employee of
3 a contractor or subcontractor or of a Commission
4 licensee or certificate holder (or a contractor of a
5 licensee or certificate holder) authorized to carry
6 firearms under this subsection may make such ar-
7 rests only when the individual to be arrested is with-
8 in, or in direct flight from, the area of such offense.
9 A person granted authority to make arrests by this
10 subsection may exercise that authority only in the
11 enforcement of laws regarding the property of the
12 United States in the custody of the Department of
13 Energy, the Nuclear Regulatory Commission, or a
14 contractor of the Department of Energy or Nuclear
15 Regulatory Commission or a licensee or certificate
16 holder of the Commission, laws applicable to prop-
17 erty of significance to the common defense and secu-
18 rity that is in the custody of a licensee or certificate
19 holder or a contractor of a licensee or certificate
20 holder of the Commission, or any provision of this
21 chapter that may subject an offender to a fine, im-
22 prisonment, or both. The arrest authority conferred
23 by this subsection is in addition to any arrest au-
24 thority under other laws. The Secretary and the
25 Commission, with the approval of the Attorney Gen-

1 eral, shall issue guidelines to implement this sub-
2 ~~section.”~~ *subsection;”*.

3 **SEC. 205. SABOTAGE OF PRODUCTION, UTILIZATION, OR**
4 **WASTE STORAGE FACILITIES UNDER CON-**
5 **STRUCTION.**

6 Section 236a. of the Atomic Energy Act of 1954 (42
7 U.S.C. 2284(a)) is amended to read as follows:

8 “a. Any person who intentionally and willfully de-
9 stroys or causes physical damage to, or who intentionally
10 and willfully attempts to destroy or cause physical damage
11 to—

12 “(1) any production facility or utilization facil-
13 ity licensed under this Act;

14 “(2) any nuclear waste storage, treatment, or
15 disposal facility licensed under this Act;

16 “(3) any uranium enrichment or nuclear fuel
17 fabrication facility licensed or certified by the Nu-
18 clear Regulatory Commission;

19 “(4) any production, utilization, waste storage,
20 waste treatment, waste disposal, uranium enrich-
21 ment, or nuclear fuel fabrication facility subject to
22 licensing or certification under this Act during its
23 construction where the destruction or damage
24 caused or attempted to be caused could affect public

1 health and safety during the operation of the facil-
 2 ity; or

3 “(5) any nuclear fuel for a utilization facility li-
 4 censed under this Act, or any spent nuclear fuel
 5 from such a facility;

6 shall be fined not more than \$10,000 or imprisoned for
 7 not more than 10 years, or both.”.

8 **SEC. 206. UNAUTHORIZED INTRODUCTION OF DANGEROUS**
 9 **WEAPONS.**

10 Section 229a. of the Atomic Energy Act of 1954 (42
 11 U.S.C. 2278a(a)) is amended by adding after “custody of
 12 the Commission” the following: “or subject to its licensing
 13 authority or to certification by the Commission under this
 14 Act or any other ~~Act.~~” *Act*”.

15 **SEC. 207. CONTINUATION OF COMMISSIONER SERVICE.**

16 Section 201(c) of the Energy Reorganization Act of
 17 1974 (42 U.S.C. 5841(c)) is amended—

18 (1) by inserting “(1)” after “(c)”, and

19 (2) by adding the following paragraph after
 20 paragraph (1):

21 “(2) A member of the Commission whose term of of-
 22 fice has expired may, subject to the removal power of the
 23 President, continue to serve as a member until the mem-
 24 ber’s successor has taken office, except that the member
 25 shall not continue to serve beyond the expiration of the

- 1 next session of Congress subsequent to the expiration of
- 2 the fixed term of office.”.